



***Town of Tyngsborough
Conservation Commission***

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
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Minutes
April 27, 2010
APPROVED

Present:

ES: Ed Smith **BM:** Brian Martin **JN:** John Nappi **JK:** Jeff Kablik
MM: Matt Marro, Conservation Director **Pam Berman:** Admin. Assistant

Absent:

JE: Jerry Earl **LG:** Lucy Gertz

7:00pm Meeting opened by Ed Smith

7:02pm **84 Jacques Rd. (M8, P7, L31) – Request for Determination of Applicability**, for the proposed installation of an 18' round pool.

JK: Motion to waive the reading of the abutters list.

BM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

JK: Motion to waive the reading of the legal ad.

BM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

Homeowner Manuel Silva appeared before the Commission regarding the installation of an 18' round pool. MM reported that the work is within the buffer zone but it does not infringe on the 50' no build or 30' no touch zones. He went on to say that the ground where the pool will go is fairly level and wouldn't require much digging beyond prepping the site for the pool. JK asked the homeowner if they plan on adding a deck to the pool in the future. Mr. Silva said that it probably would be a project they would do in the near future. JK suggested that the Determination include the deck project so they wouldn't have to come back again for that since the determination is good for three years.

JK: Motion to close the public portion of the hearing

BM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

JK: Motion to issue a Negative Determination for the proposed installation of an 18' round pool.

BM: 2nd the motion

In Favor: 4 **Opposed:** 0 **Absent:** 2

Passes: 4-0-2

7:10pm Bridgeview Circle Condominiums (M28, P105) – DEP# 309-0833, Notice of Intent for the proposed connection to the town sewer system including the installation of sewer manholes, 6" & 8" PVC pipes, and flood storage.

JK: Motion to waive the reading of the abutters list.

BM: 2nd the motion

In Favor: 4 **Opposed:** 0 **Absent:** 2

Passes: 4-0-2

JK: Motion to waive the reading of the legal ad.

BM: 2nd the motion

In Favor: 4 **Opposed:** 0 **Absent:** 2

Passes: 4-0-2

Steve Eriksen of Norse Environmental appeared before the Commission for the owners of Bridgeview Condominiums. This project encompasses the connection of three buildings to town sewer. The construction of the pump station was previously approved under DEP# 309-718. That order stipulated the creation of compensatory flood storage on site. This NOI will accomplish this condition. MM said that the flood storage issue was very well thought out and a Standard Order would be sufficient.

JK: Motion to close the public portion of the hearing

BM: 2nd the motion

In Favor: 4 **Opposed:** 0 **Absent:** 2

Passes: 4-0-2

JK: Motion to issue a Standard Order of Conditions for sewer connection at Bridgeview Condominiums, DEP# 309-0833 per the plan dated March 10, 2010.

BM: 2nd the motion

In Favor: 4 **Opposed:** 0 **Absent:** 2

Passes: 4-0-2

7:20pm 4 Dabilis Ave. (M16, P7, L2) – Retroactive Notice of Intent, DEP# 0834 for the reclamation of trees altered within the buffer zone and outer riparian.

JK: Motion to waive the reading of the abutters list.

BM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

JK: Motion to waive the reading of the legal ad.

BM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

This is a corrective action filing resulting from an Enforcement Order that was issued last year due to grading and filling within the buffer zone. The homeowners were present to explain that they simply wanted to expand their backyard and were unaware of the regulations. MM recommended that a Standard Order be issued as the work has already been completed and this would bring the property into compliance.

JK: Motion to close the public portion of the hearing

BM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

JK: Motion to issue a Standard Order of Conditions for 4 Dabilis Ave., DEP# 309-0834.

JN: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

7:30pm 104 Coburn Road (M25, P43) – Request for Partial Certificate of Compliance, DEP# 309-0826.
Order of Conditions issued 7/14/09.

This is for a partial Certificate of Compliance that covers the construction of the home only. The landscaping will be done by the homeowner. MM reported that the work was done very well and exactly as the Commission requested. He added that the bronze plaque was placed in the garage as instructed in the Order of Conditions, and it looks great.

JK: Motion to issue a Partial Certificate of Compliance for 104 Coburn Rd., DEP# 309-0826 that covers the construction of the home only.

BM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

Discussion

Cedar Street R.O.W. Survey

MM reported that the survey was completed and granite markers will be placed to show the property boundaries. A final report will be coming shortly, at which time the town will be able to install the appropriate signage.

Q & A with A.C.T. – Lake Massapoag Rod & Gun Club Nuisance Aquatic Vegetation Management Plan

Representatives from the Lake Massapoag Rod & Gun Club, Norse Environmental, and Mark from Aquatic control Technologies (ACT) appeared before the Commission to answer questions regarding the Club's lake management plan. The first issue raised by the Commission was the omission of an herbicide treatment plan for the lake as an option for treatment of the nuisance vegetation. Steve Eriksen of Norse Environmental explained that the use of herbicides in that area would require a significant permitting process that would be cost prohibitive. He went on to explain that Lake Massapoag is in a Zone 2 designation that limits the type of herbicides that can be used due to the public water supplies and private wells surrounding the lake. The only effective herbicide is 2,4,D' which is not an approved treatment in a Zone 2 area.

The lake management plan contains plans for lake draw downs, and harvesting for the milfoil. In addition, the plan contains a data collection project that will survey the vegetation in the lake and establish a baseline for future comparisons. JK asked Mark why he thinks the harvesting approach would work in this lake. Mark responded that the lake is small enough that the Club could keep up with it. In combination with the draw downs, it should be an effective method. The Commission asked what the timetable for the draw downs would be. The plan is to start the draw down at the beginning of November and be completed by the beginning December. The Commission requested that other treatment options at least be evaluated for this lake and report back to the Commission with a revised lake management plan in September 2010. The new Order of Conditions should contain a draw down schedule, and a reporting structure in order for the Commission to better monitor the status of the milfoil in the lake.

JN: Motion to approve the discussion on the Lake Massapoag Lake Management Plan

BM: 2nd the motion

In Favor: 4 **Opposed:** 0 **Absent:** 2

Passes: 4-0-2

Minutes/Sign Forms/Other Business

Wetland Violation – 4 Chard Road: The homeowner appeared before the Commission for the work that was done in the back of his yard. MM said that a stone wall was also built and will need to be checked closer to ensure that the height will not require a building permit too. JK suggested that any additional work could also be added to the NOI in the event that the homeowner wants to do something in the future. The homeowner agreed to file an NOI with the Commission.

The minutes from the April 13, 2010 meeting cannot be approved as the members who attended that meeting were not present at tonight's meeting to vote.

JK: Motion to approve the minutes as written for March 23, 2010

BM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

9:00pm BM: Motion to adjourn

JN: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

Respectfully submitted
Pamela Berman, Conservation Clerk